

ESTTA Tracking number: **ESTTA736285**

Filing date: **03/28/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Intuit, Inc.
Granted to Date of previous extension	03/27/2016
Address	2535 Garcia Avenue Mountain View, CA 94043 UNITED STATES
Attorney information	Katherine M. Basile Reed Smith LLP P.O. Box 488 Pittsburgh, PA 15222 UNITED STATES kbasile@reedsmith.com, kkershner@reedsmith.com, karmellino@reedsmith.com, ptoipinbox@reedsmith.com Phone:650.352.0507

Applicant Information

Application No	86608083	Publication date	09/29/2015
Opposition Filing Date	03/28/2016	Opposition Period Ends	03/27/2016
Applicant	MEIER GROUP NYC LLC 469 Seventh Avenue, 7th Fl. New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Real estate advertising services
Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Real estate brokerage

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86978428	Application Date	06/06/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MINT		


Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2014/12/16 First Use In Commerce: 2014/12/16 Computer software for use in processingelectronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment</p> <p>Class 036. First use: First Use: 2014/12/02 First Use In Commerce: 2014/12/02 Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providingbill payment and tax payment processing services via computer and communicationnetworks; money transfer services</p> <p>Class 038. First use: First Use: 2014/12/02 First Use In Commerce: 2014/12/02 Electronic transmission of payment datafor others</p> <p>Class 042. First use: First Use: 2014/12/02 First Use In Commerce: 2014/12/02 Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sendingand receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>

U.S. Registration No.	4869554	Application Date	12/18/2014
Registration Date	12/15/2015	Foreign Priority Date	NONE
Word Mark	MINT BILLS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2014/12/16 First Use In Commerce: 2014/12/16 Computer software for use in processingelectronic payments and transferring funds to and from others; computer software for use in transferring funds</p>		

	<p>between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards</p> <p>Class 036. First use: First Use: 2014/12/02 First Use In Commerce: 2014/12/02 Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p>Class 038. First use: First Use: 2014/12/02 First Use In Commerce: 2014/12/02 Electronic transmission of payment data for others</p> <p>Class 042. First use: First Use: 2014/12/02 First Use In Commerce: 2014/12/02 Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
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U.S. Registration No.	3526377	Application Date	07/10/2007
Registration Date	11/04/2008	Foreign Priority Date	NONE
Word Mark	MINT		
Design Mark			
Description of Mark	The mark consists of stylized leaves having a dollar sign in one leaf with the word mint adjacent to the leaves.		
Goods/Services	<p>Class 036. First use: First Use: 2007/04/01 First Use In Commerce: 2007/04/01 Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p>		

U.S. Registration No.	4820578	Application Date	04/15/2014
Registration Date	09/29/2015	Foreign Priority Date	NONE
Word Mark	MINTLIFE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 036. First use: First Use: 2009/08/04 First Use In Commerce: 2009/08/04 Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money; none of the foregoing services related to insurance brokerage services and investment brokerage services</p> <p>Class 041. First use: First Use: 2009/08/04 First Use In Commerce: 2009/08/04 Providing on-line non-downloadable articles, namely, news, opinion, feature and blog content, in the field of personal finance; none of the foregoing for use in insurance brokerage services and investment brokerage services</p>

U.S. Application No.	86313032	Application Date	06/18/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MINT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2008/12/19 First Use In Commerce: 2008/12/19 Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication</p>		

	<p>networks</p> <p>Class 035. First use: First Use: 2007/04/01 First Use In Commerce: 2007/04/01 Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p>Class 036. First use: First Use: 2007/04/01 First Use In Commerce: 2007/04/01 Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in thenature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planningand retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providingfinancial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and socialmedia</p>
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Attachments	<p>86978428#TMSN.png(bytes) 86484727#TMSN.png(bytes) 77226127#TMSN.png(bytes) 86253091#TMSN.png(bytes) 86313032#TMSN.png(bytes) 2016.03.28 Notice of Opposition Intuit Mint to M.INT Meier International with Exhibits.pdf(720499 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Katherine M. Basile/
Name	Katherine M. Basile
Date	03/28/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 86608083

Published: September 29, 2015

Mark: M.INT MEIER INTERNATIONAL REAL ESTATE

Intuit Inc.)	
)	
)	
v.)	Opposition No. _____
)	
Meier Group NYC LLC)	
)	
Applicant)	

NOTICE OF OPPOSITION

Intuit Inc., and its related and predecessor companies (hereinafter collectively “Opposer” or “Intuit”), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified mark, and having been granted appropriate extensions of time to oppose the above-referenced application, hereby opposes same. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

Introduction

1. Intuit brings this Opposition due to the likelihood of confusion between its distinctive and well-known MINT and MINT family of marks and Applicant’s applied-for mark. Since 2007, Intuit’s MINT branded website and corresponding mobile software applications have allowed users to monitor and track their financial accounts, engage in financial planning, and learn about personal finance, including home-buying. Additionally, over time, Intuit’s MINT

branded website and corresponding mobile software applications have expanded to allow users to obtain and monitor their credit ratings, make payments on their mortgages and other bills (including payment processing services relating to these transactions), and set and monitor financial goals, including buying a home. Applicant's applied-for mark M.INT MEIER INTERNATIONAL REAL ESTATE incorporates the MINT mark, and like Opposer's MINT marks, is allegedly used in conjunction with services related to home buying, brokerage services, and other related services. Such use is likely to cause confusion for the reasons described herein.

Applicant's Application

2. Application Serial No. 86/608,083 filed on April 23, 2015 to register the mark M.INT MEIER INTERNATIONAL REAL ESTATE for the services "Real estate advertising services" in International Class 35 and "Real estate brokerage" in International Class 36 was published for opposition in the Official Gazette of September 29, 2015 at page TM 2809.

3. This Notice of Opposition is timely filed. Three extensions of time to oppose Application Serial No. 86/608,083 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office ("TTAB") extended the time to oppose these two applications to March 27, 2016, which date fell on a Sunday, making the deadline to oppose March 28, 2016.


Intuit and its Flagship Brands Including its MINT Brand

4. Intuit, founded in 1983, provides software and services in a variety of accounting, small business, and personal finance areas. Intuit's flagship products – QuickBooks, TurboTax, and Mint – define the company's commitment to revolutionize the way people manage their personal finances, run small businesses, and manage taxes.

5. Intuit is the owner of multiple U.S. federal trademark registrations and applications featuring the trademark MINT listed in the table below and in the attached Exhibits

A - E (the MINT Marks). These registrations and applications include financial services, editorial content services, payment services, payment processing services, and money transfer services.

Mark	SN or Registration No.	Goods and Services
MINT	SN: 86978428 Filing Date: Jun. 6, 2014 NOA issued: Jun. 16, 2015	<u>Class 9</u> : Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment <u>Class 36</u> : Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services <u>Class 38</u> : Electronic transmission of payment data for others <u>Class 42</u> : Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts
MINT BILLS	Reg. 4869554 Filing Date: Dec. 18, 2014 Reg. Date: Dec. 15, 2015	<u>Class 9</u> : Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards <u>Class 36</u> : Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments;

		<p>providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p> <p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
	<p>Reg. 3526377 Filing Date: Jul. 10, 2007 Reg. Date: Nov. 04, 2008</p>	<p><u>Class 36</u>: Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p>
MINTLIFE	<p>Reg: 4820578 Filing Date: Apr. 15, 2014 Reg. Date: Sept. 29, 2015</p>	<p><u>Class 36</u>: Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money</p> <p><u>Class 41</u>: Providing on-line non-downloadable articles in the field of personal finance</p>
MINT	<p>SN: 86313032 Priority Date: Dec. 18, 2013 Filing Date: Jun. 18, 2014</p>	<p><u>Class 9</u>: Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software</p>

		<p>for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35:</u> Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36:</u> Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial</p>
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		administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media
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6. U.S. Federal Registration 3,526,377 is in full force and effect, was declared incontestable on September 26, 2014, and matured to registration well before the April 23, 2015 application date for the intent-to-use application alleged herein.

7. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced Registration No. 3,526,377 (MINT AND DESIGN Mark) and the word mark "MINT" (the Mint Word Mark).

8. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark, and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal and small business financial management,

including management of assets, payments and goals related to real estate. Intuit has continued to use the MINT Marks for related services (like alerts and financial editorial content services), and has provided web-based, automated and customized personal financial management, aggregation of personal data, personal data tracking services, and related computer software enabling users to retrieve financial account balance and transaction information via all major technology platforms, including the Web, the Apple iOS platform, the Android platform, the Windows platform and the Mac OS X platform. Intuit has also continued to expand its business in association with the MINT Marks in the course of its normal business activities, including enabling users to obtain credit scores, make payments, and providing the payment processing services for those payments. Intuit's expansion of its services also includes the ability to track digital currency accounts, transactions and balances. Intuit's current web- and mobile- software applications enable users to establish the goal of, and measure progress toward, saving for a down payment on a home, as well as enter their real estate address to determine the current market value of their home, and automatically update the value of that home in calculating the user's net worth. Intuit's platform also allows users to learn about how much home they can afford, learn about loan options, review credit scores in anticipation of applying for a home loan, and learn about the considerations involved in whether they should purchase a home. The goods and services listed above are hereinafter referred to collectively as the "MINT Goods and Services." Intuit also owns common law trademark rights in the MINT Marks for the MINT Goods and Services.

9. Real estate related services are also within Intuit's natural zone of expansion for its MINT branded products and services. Personal finance software and online services naturally and predictably include, or expand to include, mortgages, home-purchasing, and tracking of net

worth as it relates to an individual's home. Furthermore, personal finance is inextricably linked with home-buying, as real estate purchases are generally the largest purchase an individual or family will make, and requires the individual purchaser to carefully consider their credit rating, payment history, savings, income and net worth, each of which is tracked, measured, and informed by Intuit's MINT branded products and services.

10. Intuit also has used and uses multiple trademarks comprising the term MINT plus another word or multiple words, and currently is using the marks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011, MINTSTYLE from February of 2012 to February of 2013 and MINT QUICKVIEW from July of 2012 to November of 2015. For the marks currently in use, the MINT BILLS mark has been in continuous use for payment processing, electronic payments, computer software relating to those services, and related services since at least as early as December 2, 2014 (which mark is registered as USPTO federal trademark Registration No. 4869554); the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance (including health-related expenditures and health insurance) since at least as early as August 4, 2009 (which mark is registered as USPTO federal trademark Registration No. 4820578); the MINT HELP mark has been in continuous use for personal financial services support provided to end-users since at least as early as June 14, 2011; the MY MINT STORY mark has been in continuous use in connection with editorial content services related to personal finance since at least as early as May 11, 2012; and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance and family goals since at least as early as February

27, 2012. Collectively the MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY trademarks are referred to herein as “the MINT Formative Marks.”

11. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 11 above, contains the distinctive element MINT.

12. Intuit used (and continues to use) a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filing for its M.INT MEIER INTERNATIONAL REAL ESTATE mark which is the subject of this opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element plus a word or multiple words (individually and/or collectively the “MINT Family Feature”).

13. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or using Intuit’s tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

14. Intuit uses and promotes the marks alleged herein, including the trademarks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit’s offerings) to aggregate, track, and manage their financial information, and also uses social media to market its products and services. The MINT Formative Marks are used by Intuit throughout its website and multiple of these marks are used in Intuit’s social media marketing activities in

connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

15. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and a common term (the "family of MINT formative marks").

16. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT Marks, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

17. Intuit provides the MINT Goods and Services to registered users, including through its MINT website and through MINT branded mobile software applications for Apple "iOS" and Google "Android" operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services, to measure and manage personal finances and personal data, to receive bills, to pay bills, to track those bills and bills payments, and Intuit provides the payment processing for those payments. Intuit's MINT mobile software applications are now the most popular non-bank personal finance mobile applications in the U.S. market. Intuit's MINT business has garnered over 20 million registered users across North America since 2007 and

Intuit has won multiple awards for its MINT Goods and Services (and related applications) from various nationally-recognized technology media outlets.

18. In addition to its federal trademark rights based upon its U.S. trademark Registration Nos. 4,869,554, 3,526,377, and 4,820,578, Intuit also owns common law trademark rights separately in the each of the marks: MINT Word Mark, the MINT AND DESIGN Mark, the MINT LEAF Mark as depicted in U.S. trademark Application No. 86/481,189, each of the MINT Formative Marks, and in its family of MINT formative marks.

19. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

20. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark, MINT AND DESIGN Mark, and MINT Formative Marks are distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

21. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, each of the MINT Formative Marks and/or its family of MINT formative marks is distinctive and well known to the relevant trade and public as

identifying and distinguishing the services identified in Paragraphs 8-10 above and also Intuit's MINT Goods and Services.

Applicant's Similar Goods and Services

22. Applicant allegedly uses M.INT MEIER INTERNATIONAL REAL ESTATE in connection with "Real estate advertising services" in International Class 35 and "Real estate brokerage" in International Class 36.

Applicant's Similar Mark

23. The term M.INT MEIER INTERNATIONAL REAL ESTATE contains the distinctive MINT mark plus the name of the Applicant. Applicant's use of M.INT MEIER INTERNATIONAL REAL ESTATE on its website (<http://mintrealestate.com/>) also emphasizes the MINT element by making it larger than the rest of the words in the mark, and frequently uses "M.INT" without any additional words at all. The period in "M.INT" does not distinguish the mark, as it does not affect the pronunciation of the word as "mint," nor is the period consistently used on Applicant's website. In several instances on the website and, notably, in Applicant's URL, the MINT mark is used without the period. The dominant portion of the mark is simply MINT. The overall commercial impression of the marks is thus very similar. Additionally, Applicant's mark is similar to Opposer's MINT Formative marks, because both contain the distinctive element MINT accompanied by a descriptive word or words, such as "life," "help," or "style," -- in the case of Opposer's MINT Formative marks -- and "Meier International Real Estate" as in the case of Applicant's mark.

24. On information and belief, like Opposer, Applicant allegedly provides its products and services through a global computer network and/or through web- and/or mobile-based software applications and/or mobile devices.

25. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit's MINT Marks. As applied to Applicant's goods and services, the M.INT MEIER INTERNATIONAL REAL ESTATE mark so resembles Intuit's MINT Marks as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

26. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services above are offered under the MINT Formative Marks. As applied to Applicant's goods and services, the M.INT MEIER INTERNATIONAL REAL ESTATE mark so resembles each of the MINT Formative Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

27. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered in connection with Intuit's family of MINT formative marks. As applied to Applicant's goods and services, the M.INT MEIER INTERNATIONAL REAL ESTATE mark so resembles Intuit's MINT Marks and family of MINT formative marks since the M.INT MEIER INTERNATIONAL REAL ESTATE mark contains the distinctive MINT element and/or since the M.INT MEIER INTERNATIONAL REAL ESTATE mark contains the distinctive MINT element accompanied by a descriptive word as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

28. Opposer will be damaged by Applicant's registration of the M.INT MEIER INTERNATIONAL REAL ESTATE mark for the goods and services identified in the 86/608,083 application as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registration sought by Applicant be refused.

Dated: March 28, 2016

Respectfully submitted,

/Katherine M. Basile/

Katherine M. Basile
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*Attorneys for Opposer,
Intuit Inc.*

Certificate of Service

This is to certify that on March 28, 2016, a copy of the foregoing First Amended Consolidated Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following attorney of record:

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/Katrina M. Kershner/

Katrina M. Kershner

EXHIBIT A



United States Patent and Trademark Office

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MINT

Word Mark	MINT
Goods and Services	<p>IC 009. US 021 023 026 036 038. G & S: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment. FIRST USE: 20141216. FIRST USE IN COMMERCE: 20141216</p> <p>IC 036. US 100 101 102. G & S: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services. FIRST USE: 20141202. FIRST USE IN COMMERCE: 20141202</p> <p>IC 038. US 100 101 104. G & S: Electronic transmission of payment data for others. FIRST USE: 20141202. FIRST USE IN COMMERCE: 20141202</p> <p>IC 042. US 100 101. G & S: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts. FIRST USE: 20141202. FIRST USE IN COMMERCE: 20141202</p>
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86978428

Filing Date June 6, 2014
Current Basis 1B
Original Filing Basis 1B
Published for Opposition December 16, 2014
Owner (APPLICANT) **Intuit** Inc. CORPORATION DELAWARE 2535 Garcia Avenue Mountain View CALIFORNIA 94043
Attorney of Record Katherine M. Basile
Prior Registrations 3526377
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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MINT BILLS

Word Mark

MINT BILLS

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards. FIRST USE: 20141216. FIRST USE IN COMMERCE: 20141216

IC 036. US 100 101 102. G & S: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services. FIRST USE: 20141202. FIRST USE IN COMMERCE: 20141202

IC 038. US 100 101 104. G & S: Electronic transmission of payment data for others. FIRST USE: 20141202. FIRST USE IN COMMERCE: 20141202

IC 042. US 100 101. G & S: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts. FIRST USE: 20141202. FIRST USE IN COMMERCE: 20141202

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number 86484727
Filing Date December 18, 2014
Current Basis 1A
Original Filing Basis 1A
Published for Opposition September 29, 2015
Registration Number 4869554
Registration Date December 15, 2015
Owner (REGISTRANT) **Intuit** Inc. CORPORATION DELAWARE 2535 Garcia Avenue Mountain View CALIFORNIA 94043
Attorney of Record Katherine M. Basile
Prior Registrations 3526377
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BILLS" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	MINT
Goods and Services	IC 036. US 100 101 102. G & S: Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network. FIRST USE: 20070401. FIRST USE IN COMMERCE: 20070401
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.03.08 - More than one leaf, including scattered leaves, bunches of leaves not attached to branches 05.03.25 - Leaf, single; Other leaves
Trademark Search Facility Classification Code	CURRENCY Includes Dollar, Cent, and Pound marks NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks SHAPES-MISC Miscellaneous shaped designs VEG Plant life such as trees,flowers,fruits,grains,nuts,wreaths,and leaves
Serial Number	77226127
Filing Date	July 10, 2007
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 19, 2008
Registration Number	3526377
Registration Date	November 4, 2008

Owner (REGISTRANT) MINT Software, Inc. CORPORATION CALIFORNIA 280 Hope Street Mountain View CALIFORNIA 94041
(LAST LISTED OWNER) INTUIT INC. CORPORATION DELAWARE 2535 GARCIA AVENUE MOUNTAIN VIEW CALIFORNIA 94043

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Katherine M. Basile

Description of Mark Color is not claimed as a feature of the mark. The mark consists of stylized leaves having a dollar sign in one leaf with the word mint adjacent to the leaves.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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MINTLIFE

Word Mark	MINTLIFE
Goods and Services	IC 036. US 100 101 102. G & S: Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money; none of the foregoing services related to insurance brokerage services and investment brokerage services. FIRST USE: 20090804. FIRST USE IN COMMERCE: 20090804
	IC 041. US 100 101 107. G & S: Providing on-line non-downloadable articles, namely, news, opinion, feature and blog content, in the field of personal finance; none of the foregoing for use in insurance brokerage services and investment brokerage services. FIRST USE: 20090804. FIRST USE IN COMMERCE: 20090804
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86253091
Filing Date	April 15, 2014
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 10, 2015
Registration Number	4820578
	September 29, 2015

**Registration
Date**

Owner (REGISTRANT) Intuit Inc. CORPORATION DELAWARE 2535 Garcia Avenue Mountain View
CALIFORNIA 94043

**Attorney of
Record** Katherine M. Basile

**Prior
Registrations** 3526377

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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MINT

**Word Mark
Goods and
Services**

MINT

IC 009. US 021 023 026 036 038. G & S: Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks

IC 035. US 100 101 102. G & S: Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing

IC 036. US 100 101 102. G & S: Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planning and retirement financial planning, including via

computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media

**Standard
Characters
Claimed**

**Mark Drawing
Code** (4) STANDARD CHARACTER MARK

Serial Number 86313032

Filing Date June 18, 2014

Current Basis 44D

**Original Filing
Basis** 44D

Owner (APPLICANT) Intuit Inc. CORPORATION DELAWARE 2535 Garcia Avenue Mountain View
CALIFORNIA 94043

**Attorney of
Record** Katherine M. Basile

Priority Date December 18, 2013

**Prior
Registrations** 3526377

Type of Mark TRADEMARK. SERVICE MARK

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Indicator** LIVE

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